IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No.5318 of 2001

1. Smt.Vaijanta Bapu Dhane
and others ..Petitioners

vs.

1. Tayappa Kundlika Kapse
since deceased through his
heirs
(a) Smt.Shevanta Tayappa Kapse
and others ..Respondents

Smt.Smita Mane i/b Shri P.B.Shah for petitioners.

CORAM: S.C.DHARMADHIKARI J.
23rd NOVEMBER, 2007

P.C.

1. By this petition, the petitioner challenges the order dated 12th July, 2001 confirming the orders of the authorities subordinate to the Maharashtra Revenue Tribunal.

2. The authorities exercising powers under the Bombay Tenancy and Agricultural Lands Act have found concurrently that the original tenant who was the predecessor in title of respondent nos.1a to 1h was in possession of the land in question as a tenant since 1955-56. 7/12 extract of the land justifies the finding in that behalf. This averment has gone unchallenged. The existence of Mirashipatra has been found concurrently as not

establishing, the fact that on Tiller’s day the possession was with the present petitioners. These are the concurrent findings rendered by all the three authorities and on that basis the purchase price has been fixed and other directions given. In the peculiar facts of this case, I see no reason to exercise extra ordinary, equitable and discretionary jurisdiction under Article 227 of the Constitution of India. The authorities have assisted the tenant who was found to be cultivating the land on Tiller’s day. Petition is dismissed.

(S.C.DHARMADHIKARI J.)